

SENATE BILL 1049

By Finney L

AN ACT to amend Tennessee Code Annotated, Title 9, Chapter 4, Part 55; Title 39, Chapter 17, Part 16; Title 47, Chapter 18 and Title 67, Chapter 4, Part 10, relative to the regulation of tobacco and tobacco products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following language as a new part:

Section 47-18-2901. This part shall be known and may be cited as the "Children's Smoking Prevention Act of 2007".

Section 47-18-2902.

(a)

(1) No cigarette manufacturer shall advertise cigarettes by use of any medium which the manufacture knows, or should have reason to know, is targeted at a significant youth audience.

(2) No cigarette manufacturer shall advertise cigarettes at any event which the manufacture knows, or should have reason to know, is targeted at a significant youth audience.

(b) For the purposes of this part:, unless the context otherwise requires:

(1) "Cigarette manufacturer" means any person who manufactures, fabricates, assembles, processes, or labels a finished cigarette; and

(2) "Significant youth audience" means a group of spectators, readers, viewers or listeners in which thirty-three percent (33%) or more are under the age of eighteen (18).

Section 47-18-2903. Any violation of this part constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in part 1 of this chapter. For the purpose of application of the Tennessee Consumer Protection Act, any violation of the provisions of this part shall be construed to constitute an unfair or deceptive act or practice affecting the conduct, trade or commerce and subject to all sanctions, penalties and remedies provided in that act, including attorneys' fees and costs.

Section 47-18-2904.

(a) The attorney general and reporter may bring any appropriate action or proceeding in any court of competent jurisdiction pursuant to the provisions of this part against any cigarette manufacturer or cigarette retailer to seek redress, including injunctive relief, for violations of this part.

(b) No costs shall be taxed against the attorney general and reporter or the state in actions commenced under the provisions of this part.

Section 47-18-2905. No provision of this part shall be construed as prohibiting any activity otherwise authorized pursuant to the tobacco litigation master settlement agreement entered into by Tennessee and certain other states, United States territories and possessions, and participating tobacco manufacturers, dated November 23, 1998.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.